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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
NOE ARIAS-ORDONEZ,  
Defendant.

No. CR 07-0738 MMC

**STIPULATION AND [PROPOSED]  
ORDER FOR CONTINUANCE OF  
BRIEFING SCHEDULE ON  
MOTION TO DISMISS**

Hearing Date: May 7, 2008  
Time: 2:30 p.m.  
Court: Hon. Maxine M. Chesney

The parties hereby stipulate and ask the Court to order as follows;

1. Defendant has filed a Motion to Dismiss in the aforementioned matter. Under the current briefing schedule, defendant's supplemental motion is due April 9, 2008;
2. The issues presented require additional legal research and analysis;
3. Defense counsel thus seeks a one-week continuance of the briefing schedule, and the government has no opposition to the request. The proposed revised briefing schedule is set forth below;
4. The parties also jointly agree that time under the Speedy Trial Act has been tolled while the motion filed by the defendant is under consideration by the Court. *See* 18 U.S.C. §

1 3161(h)(1)(F).

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3 **IT IS SO STIPULATED**

4 Dated: April 7, 2008

5  
6 /S/  
OWEN MARTIKAN  
Assistant United States Attorney

7  
8 Dated: April 7, 2008

9 /S/  
ELIZABETH M. FALK  
Assistant Federal Public Defender

10 **[PROPOSED] ORDER**

11 For the reasons stated herein, and for good cause shown, the briefing schedule and motion  
12 hearing date previously established by this Court for Defendant's Motion to Dismiss in the  
13 aforementioned case are hereby VACATED. The briefing schedule shall be altered as follows:

14 Motion to Suppress Due: April 16, 2008

15 Response Due: April 23, 2008

16 Reply Due: April 30, 2008

17 Motion Hearing: May 7, 2008 at 2:30 p.m.  
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20 **IT IS SO ORDERED.**

21  
22 Dated: \_\_\_\_\_

23 THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE  
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